

2024 Regular Session

HOUSE BILL NO. 674

BY REPRESENTATIVE BRYANT

MOTOR VEHICLES: Authorizes a local governing authority to adopt ordinances to address blighted property with purported collector's automobiles

1 AN ACT

2 To amend and reenact R.S. 32:442(4) and 443 and R.S. 33:4876(A) and (B) and to enact
3 R.S. 33:4876.1 4876.2, 4876.3, 4876.4, 4876.5, 4876.6 and to repeal R.S. 32:446,
4 relative to blighted automobiles; to provide limitations for how vehicles can be
5 stored on a collector's property; to expand authority of municipalities and parishes
6 to enact ordinances to address blighted collector vehicles; to repeal requirement that
7 blighted vehicles that could be considered collector's vehicles must be disposed of
8 to an organization that restores historic vehicles; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:442(4) and 443 are hereby amended and reenacted to read as
11 follows:

12 §442. Definitions

13 As used in this Part, the following words and phrases have the meaning
14 ascribed to them in this Section, unless the context requires otherwise:

15 * * *

16 (4) "Motor vehicle of historic or special interest" means a motor vehicle,
17 including a motorcycle as defined in R.S. 32:1~~(38)~~(49), of any age which, because
18 of its significances, is being collected, preserved, restored, operated, or maintained
19 by a hobbyist as a leisure pursuit.

1 §443. Storage on collector's property; requirements

2 A. A collector may store unlicensed, operable or inoperable motor vehicles
3 of historic or special interest or parts cars on his property provided such vehicles and
4 parts cars and the storage area are maintained in such a manner that they do not
5 ~~constitute a health, safety or fire hazard.~~ become a public nuisance as provided in
6 R.S. 33:4876.1.

7 B. The following requirements shall apply to a collector who stores a motor
8 vehicle pursuant to Subsection A of this Section:

9 (1) The motor vehicle shall be placed on jacks or lifts eighteen inches off the
10 ground for easy maintenance of the surrounding grass, which must be kept less than
11 twelve inches high.

12 (2) The motor vehicle shall be covered by a black or blue tarp or similar car
13 covering.

14 (3) The motor vehicle shall be stored close to the back property line in a
15 parallel row, if multiple vehicles.

16 (4) The motor vehicle shall be stored and covered under a carport, when
17 possible.

18 (5) Any car parts shall be stored near the back property line and be properly
19 covered with a black or blue tarp or similar covering.

20 Section 2. R.S. 33:4876(A) and (B) are hereby amended and reenacted to read as
21 follows:

22 §4876. Abandoned automobiles, major appliances and other junk; disposition of

23 A. The governing authority of any municipality or parish may enact
24 ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or
25 used automobiles or motor vehicles, or any part or parts thereof, or any other junk,
26 discarded or abandoned major appliances, such as refrigerators, freezers, ranges or
27 machinery or other metal, tin or other discarded items, on any vacant lot, or any
28 portion of any occupied lot, neutral ground, street or sidewalk, within the
29 municipality or parish. Notwithstanding any provisions of law to the contrary, a

1 governing authority may enact ordinances that are less or more restrictive than R.S.
2 32:443 as it relates to abandoned or stored motor vehicles which could be deemed
3 of historic or special interest.

4 B. The term "junk, wrecked, or used automobiles or motor vehicles" as used
5 herein shall mean any motor vehicle which is totally inoperable, left unattended on
6 any portion of any occupied lot, neutral ground, street or sidewalk, and is so
7 damaged or dismantled as to be a total loss; including abandoned or stored motor
8 vehicles which could be deemed of historic or special interest. The term
9 "inoperable" shall apply to vehicles that remain inoperable for seventy-two
10 consecutive hours on public property or thirty consecutive days on private property.

11 The term "total loss" shall mean that the cost to repair a damaged or dismantled
12 motor vehicle exceeds the junk value of said vehicle, as determined by any
13 recognized national appraisal book. The ordinance shall provide for the removal and
14 disposition of such junk motor vehicles after notice of not less than ten days either
15 placed on the vehicle itself or given to the owner, if known. Any vehicle which
16 remains on the public ways or private property described above after notice given as
17 provided in the ordinance shall be considered as public property and disposed of by
18 the municipality or parish as the governing authority may designate. In the case of
19 other abandoned property set forth in Subsection A, the notice shall be given to the
20 owner of the lot or parcel of ground upon which the junk material is located, and the
21 cost of removing said material shall constitute a special lien collectible in the same
22 manner as special assessments are collectible by law.

23 * * *

24 Section 3. R.S. 33:4876.1, 4876.2, 4876.3, 4876.4, 4876.5, and 4876.6 are hereby
25 enacted to read as follows:

26 §4876.1. Junk, wrecked, or used automobile or motor vehicle; public nuisance

27 A junk, wrecked, or used automobile or motor vehicle, including part of a
28 junk, wrecked, or used automobile or motor vehicle, that is visible at any time of
29 year from a public place or public right-of-way is a public nuisance when it:

- 1 (1) Is detrimental to the safety and welfare of the public.
- 2 (2) Tends to reduce the value of private property.
- 3 (3) Invites vandalism.
- 4 (4) Creates a fire hazard.
- 5 (5) Is an attractive nuisance creating a hazard to the health and safety of
6 minors.
- 7 (6) Produces urban blight adverse to the maintenance and continuing
8 development of municipalities.
- 9 §4876.2. Offense
- 10 A. A person commits an offense if the person maintains a public nuisance
11 described by R.S. 33:4876.1.
- 12 B. An offense under R.S. 33:4876.1 is a misdemeanor punishable by a fine
13 not to exceed two hundred dollars.
- 14 C. The court shall order the abatement and removal of the nuisance on
15 conviction.
- 16 §4876.3. Authority to abate a public nuisance; procedures
- 17 A. A municipality or parish may adopt procedures that conform to this
18 Section for the abatement and removal from private or public property or a public
19 right-of-way of a junk, wrecked, or used automobile or part of a wrecked, or used
20 automobile or vehicle as a public nuisance.
- 21 B. Any procedures adopted by a municipality or parish shall, at minimum:
- 22 (1) Prohibit a vehicle from being reconstructed or made operable after
23 removal.
- 24 (2) Require a public hearing upon the request of a person who receives
25 notice as provided by R.S. 33:4876.4. if the request is made not later than the date
26 by which the nuisance must be abated and removed.
- 27 (3) Require that notice identifying the vehicle or part of the vehicle be given
28 to the department not later than the fifth day after the date of removal.

1 C. A court with jurisdiction in the municipality or parish where the offense
2 occurred may issue necessary orders to enforce the procedures.

3 D. Procedures for abatement and removal of a public nuisance shall be
4 administered by regularly salaried, full-time employees of the municipality or parish,
5 except that any authorized person may remove the nuisance.

6 E. A person authorized to administer the procedures may enter private
7 property to examine a public nuisance, to obtain information to identify the nuisance,
8 and to remove or direct the removal of the nuisance.

9 F. On receipt of notice of removal of a motor vehicle under Subsection
10 (B)(3) of this Section, the department shall immediately cancel the certificate of title
11 issued for the vehicle, if it exists.

12 G. The procedures may provide that the relocation of a junk, wrecked, or
13 used automobile or motor vehicle that is a public nuisance to another location in the
14 same municipality or parish after a proceeding for the abatement and removal of the
15 public nuisance has commenced will have no effect on the proceeding if the junk,
16 wrecked, or used automobile or motor vehicle constitutes a public nuisance at the
17 new location.

18 §4876.4. Notice; time frame

19 A. The procedures for the abatement and removal of a public nuisance under
20 this R.S. 33:4876.3 shall provide not less than ten days notice of the nature of the
21 nuisance. The notice must be personally delivered, sent by certified mail with a
22 five-day return requested, or delivered by the United States Postal Service with
23 signature confirmation service to:

24 (1) The last known registered owner of the public nuisance vehicle.

25 (2) Each lienholder of record of the public nuisance vehicle.

26 (3) The owner or occupant of:

27 (a) The property on which the public nuisance vehicle is located.

28 (b) The property adjacent to the right-of-way, if the public nuisance vehicle
29 is located in a public right-of-way.

1 B. The notice shall clearly state the following:

2 (1) The public nuisance vehicle must be abated and removed not later than
3 the tenth day after the date on which the notice was personally delivered or mailed.

4 (2) Any request for a hearing must be made within ten days.

5 C. If the post office address of the last known registered owner is unknown,
6 notice may be placed on the public nuisance vehicle or, if the owner is located,
7 personally delivered.

8 D. If the notice is returned, undelivered, action to abate the public nuisance
9 vehicle shall be continued to a date not earlier than the eleventh day after the date of
10 the return.

11 §4876.5. Hearing

12 A. The governing body of the municipality or parish or a board, commission,
13 or official designated by the governing body shall conduct hearings pursuant to the
14 procedures adopted under this Part.

15 B. If a hearing is requested by a person for whom notice is required under
16 R.S. 33:4876.4, the hearing shall be held not earlier than the eleventh day after the
17 date of the service of notice.

18 C. At the hearing, the junk, wrecked, or used automobile or motor vehicle
19 is presumed, unless demonstrated otherwise by the owner, to be inoperable.

20 D. If the information is available at the location of the nuisance, a resolution
21 or order requiring removal of the public nuisance vehicle shall include the following:

22 (1) A description of the vehicle.

23 (2) The vehicle identification number.

24 (3) The license plate number.

25 §4876.6. Disposal of a junk, wrecked, or used automobile or motor vehicle

26 A. A junk, wrecked, or used automobile or motor vehicle, including a part
27 of a junk, wrecked, or used automobile or motor vehicle, may be removed to a
28 scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality
29 or parish at the discretion of its governing body.

- 1 B. A municipality or parish may operate a disposal site if its governing body
 2 determines that commercial disposition of junk, wrecked, or used automobile or
 3 motor vehicle is not available or is inadequate. A municipality or parish may:
 4 (1) Finally dispose of a junk, wrecked, or used automobile or motor vehicle
 5 or vehicle parts.
 6 (2) Transfer it to another disposal site if the disposal is scrap or salvage only.
 7 Section 4. R.S. 32:446 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 674 Engrossed

2024 Regular Session

Bryant

Abstract: Limits how vehicles can be stored on a collector's property. Expands authority of municipalities and parishes to enact ordinances to address blighted collector vehicles. Repeals requirement that blighted vehicles that could be considered collector's vehicles must be disposed of to an organization that restores historic vehicles.

Present law provides definitions.

Proposed law retains present law.

Present law provides for collectors to store motor vehicles of historic or special interest or parts cars on their property provided the cars and the storage areas are maintained in a way that does not pose a health, safety or fire hazard.

Proposed law provides for the cars to be stored as long as they don't become a public nuisance and provides a more specific, enumerated list for how the cars and storage areas are maintained.

Present law authorizes a governing authority of a municipality or parish to enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked, or used automobiles or motor vehicles and other junk items.

Proposed law retains present law but adds applicability to abandoned or stored motor vehicles which could be deemed of historic or special interest.

Present law provides a definition for "junk, wrecked, or used automobiles" and provides for notice and disposal of such vehicles.

Proposed law retains present law and adds applicability to abandoned or stored motor vehicles which could be deemed of historic or special interest.

Present law provides for motor vehicles of historic or special interest or parts cars to be disposed of by contacting a club or chapter of a national organization that restores historic or special interest vehicles.

Proposed law repeals present law.

Proposed law provides for junk, wrecked, or used automobile or motor vehicle to be deemed a nuisance.

Proposed law creates an offense and penalties for maintaining a public nuisance vehicle.

Proposed law provides authority and procedures for a municipality or parish to abate a public nuisance vehicle.

Proposed law requires a 10 day notice be issued for the abatement and removal of a public nuisance vehicle and provides procedures for the issuance.

Proposed law provides for a hearing to be held at which it must be demonstrated that the junk, wrecked, or used automobile or motor vehicle is inoperable and provides for the procedures of the hearing.

Proposed law provides for the disposal of a junk, wrecked, or used automobile or motor vehicle.

(Amends R.S. 32:442(4) and 443 and R.S. 33:4876(A) and (B); Adds R.S. 33:4876.1 4876.2, 4876.3, 4876.4, 4876.5, 4876.6; Repeals R.S. 32:446)